

May 28, 2019

Mr. Eric J. Chodnicki
Daft McCune Walker, Inc.
501 Fairmount Avenue
Suite 300
Towson, Maryland 21286

Re: Kaiser Permanente,
North Baltimore Hub
Forest Buffer Variance
Tracking # 03-19-2935

Dear Mr. Chodnicki:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e. Forest Buffer Law) was received by the Department of Environmental Protection and Sustainability (EPS) on February 19, 2019. This variance seeks to allow continuance of existing uses impacts to 7,680 square feet (SF) of area that would be Forest Buffer Easement in order to redevelop the site as a medical office center and associated parking garage. The property, including the buffer area to be impacted, currently consists of County-maintained Greenspring Drive and parking lots for commuters utilizing the Maryland Transit Administration Light Rail and Park and Ride facilities. This variance application had been placed on hold pending a Dept. of Public Works-accepted 100-year floodplain limit and any associated Forest Buffer limit revisions, which were subsequently provided to EPS on May 16, 2019.

This Department has reviewed your request and has determined that a practical difficulty exists, in that the existing structures and uses of the property predate the Forest Buffer Law. Additionally, the need to continue to provide a mass transit facility at this site limits where the proposed medical facility can be built. Furthermore, the stream to be buffered is entirely on State-owned property and itself flows through a gabion channel with virtually no functioning buffer. Consequently, full application of the Forest Buffer Law where existing buffer area is predominantly and historically pavement and building would be onerous. Additionally, we find that impacts to water quality are minimal given there would actually be a slight decrease in impervious surface area in the Forest Buffer. Moreover, those impacts can be adequately mitigated offsite given the lack of buffer establishment or other mitigation potential on this site.

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Therefore, we will grant this variance in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. 1,250 SF of existing impervious surface shall be removed from the Forest Buffer area and that area converted to grass, as proposed on the plan accompanying the variance request.
2. The 6,430 SF of remaining buffer impact shall be mitigated by purchasing 6,430 SF of buffer planting credit at an EPS-approved mitigation bank. A letter authorizing this purchase is enclosed for your use. Documentation that this credit has been purchased shall be provided to EPS prior to approval of any permit.
3. The following note must appear on all subsequent plans and plats submitted for this project:
 - “A variance was granted on May 28, 2019, by the Baltimore County Department of Environmental Protection and Sustainability (EPS) from Article 33, Title 3, the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to allow the 7,680-square foot FBE to remain developed. Conditions were placed on this approval including removal of impervious surface from the Forest Buffer area and offsite buffer mitigation.”

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Mr. Michael S. Kulis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL/msk

Enclosure

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I/we agree to the above conditions to bring my/our property into compliance with Law
for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Representative's Signature Date

Signature Date

Printed Name

Printed Name